

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LEAH HOCKER,

Plaintiff,

v.

No. CIV 07-938 BB/DJS

JAMES SUTTON, COWETA TRUCKING and
EMPIRE FIRE & MARINE INSURANCE COMPANY, a
subsidiary of ZURICH INSURANCE COMPANY, a
foreign corporation,

Defendants.

JENNY BROWN, KEVIN BROWN, individually
and as Next Friend for GARRETT BROWN and
MILES BROWN, minors,

Plaintiffs,

v.

No. CIV-1:08-cv-400 JCH/KBM

COWETA TRUCKING, INC., a foreign corporation,
JAMES SUTTON, and EMPIRE FIRE AND &
MARINE INSURANCE COMPANY,
a subsidiary of ZURICH INSURANCE COMPANY,
a foreign corporation,

Defendants

**ORDER APPROVING
THE SETTLEMENT OF CLAIMS
ON BEHALF OF MINORS**

THIS MATTER, having come before the Court for hearing on a petition for approval of a minor settlement, and the Court having reviewed the report of the Guardian *ad Litem*, and having determined that the Parties fully understand the terms of the settlement, and the Court having been sufficiently advised in the premises, and upon recommendation of United States Magistrate Judge Don J. Svet, finds that the settlement is fair, reasonable, and in the best interest of the minors, that

the Parties agree to settlement of the claims of Jenny Brown and Kevin Brown (“The Browns”), as Next Friends of Miles Brown and Garrett Brown, minors, and that the petition should therefore be granted.

IT IS THEREFORE ORDERED that of the settlement proceeds paid to The Browns by Empire Fire and Marine Insurance Company, the insurer of Coweta Trucking, Inc. and James Sutton, ONE THOUSAND DOLLARS (\$1,000), will be made payable to Jenny Brown and Kevin Brown, Individually, and as Next Friends of Miles Brown, A Minor, in full and final settlement of The Brown’s claims on behalf of minor Miles Brown, and ONE THOUSAND DOLLARS (\$1,000), will be made payable to Jenny Brown and Kevin Brown, Individually, and as Next Friends of Garrett Brown, A Minor, in full and final settlement of the Brown’s claims on behalf of minor Garrett Brown.

IT IS FURTHER ORDERED that The Browns, as Next Friends of Miles Brown and Garrett Brown, minors, will release Coweta Trucking, James Sutton and Empire Fire and Marine Insurance Company, their agents, heirs and assigns, for their alleged liability as to minors Miles Brown and Garrett Brown for the automobile accident of March 3, 2005 in Bernalillo County, New Mexico, and any resulting damages from any further claims; and Empire Fire and Marine Insurance Company is authorized to pay the monetary amount set forth herein in settlement funds to The Browns, as Next Friends of Miles Brown and Garrett Brown, minors, to be used for the benefit and assistance of the minor children.

IT IS FURTHER ORDERED that upon payment of the monetary amount set forth herein, The Browns shall execute a Full Release of All Claims and Rights and shall deliver it to the Defendants.

IT IS FURTHER ORDERED that the Guardian *ad Litem* is hereby released from any further

obligation in this matter.

IT IS FURTHER ORDERED The Browns, as Next Friends of Miles Brown and Garrett Brown, will file a Stipulated Order of Dismissal with Prejudice as to the claims of The Browns, as Next Friends of Miles Brown and Garrett Brown, minors, with the parties bearing their own costs and attorney's fees, after The Browns have received the settlement proceeds.

IT IS FURTHER ORDERED that the recommendation of United States Magistrate Judge Don J. Svet of October 22, 2008 is hereby accepted.

IT IS FURTHER ORDERED that the Parties Stipulate to the recommendation of the Magistrate Judge approving the minor settlement, and the Parties waive the ten day period to object to the recommendation.



DISTRICT COURT JUDGE BLACK

SUBMITTED BY:

TERRY M. WORD, P.C.

GUEBERT, BRUCKNER & BOOTES, P.C.

By: Telephonically Approved 10/22/08

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and Miles Brown, minors*

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APPROVED AS TO FORM BY:

THE VIGIL LAW FIRM

By: Approved Via Email Correspondence 10/22/08

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